

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1736 be amended to read as follows:

- 1 Page 2, line 16, delete "two" and insert "**one**".
- 2 Page 2, line 17, delete "(\$200)" and insert "**(\$100)**".
- 3 Page 3, line 1, delete "sixteen (16)" and insert "**twelve (12)**".
- 4 Page 3, line 29, delete "sixteen (16)" and insert "**twelve (12)**".
- 5 Page 4, line 13, delete "eight (8)" and insert "**six (6)**".
- 6 Page 4, delete lines 32 through 33.
- 7 Page 4, line 34, delete "(2)" and insert "**(1)**".
- 8 Page 4, line 36, delete "(3)" and insert "**(2)**".
- 9 Page 4, line 36, after "shall" insert "**annually**".
- 10 Page 4, line 36, delete "an annual fee of" and insert "**a reasonable**
- 11 **fee, as determined by the commissioner, not to exceed**".
- 12 Page 4, line 38, delete "(4)" and insert "**(3)**".
- 13 Page 4, line 42, delete "(a)(3)" and insert "**(a)(2)**".
- 14 Page 6, line 17, after "(a)," insert "**not later than sixty (60) days**
- 15 **after the appointment,**".
- 16 Page 6, line 20, delete "that the appointee does not owe" and insert
- 17 **":**
- 18 **(A) whether the appointee owes**".
- 19 Page 6, line 22, delete "." and insert **;**
- 20 **(B) to whom the appointee owes a premium;**
- 21 **(C) the amount of the premium owed; and**
- 22 **(D) whether there is a dispute concerning the**
- 23 **premium."**
- 24 Page 6, line 26, delete "." and insert "**in the six (6) years**
- 25 **immediately preceding the appointee's appointment under**
- 26 **subsection (a)**".
- 27 Page 6, line 27, delete "ten (10)" and insert "**one hundred eighty**
- 28 **(180)**".
- 29 Page 6, line 30, delete "notice:" and insert "**petition with the**
- 30 **commissioner stating that the appointee still owes a premium to the**
- 31 **insurer or agent in violation of IC 27-10-4-7 and requesting relief.**
- 32 **At the same time that the insurer or agent files the petition with the**

1 commissioner, the insurer or agent shall mail a copy of the petition  
2 to the appointee by certified mail. The appointee may file a  
3 response with the commissioner not later than ten (10) days after  
4 the appointee receives the petition.

5 (e) Upon receipt of the petition and response, if filed, under  
6 subsection (d), the commissioner may conduct an investigation and  
7 institute proceedings in accordance with section 9 of this chapter.

8 (f) The remedies provided in this section are not the exclusive  
9 remedies available to an insurer or agent. The election of an  
10 insurer or agent to seek a remedy under this section does not  
11 preclude the insurer or agent from seeking other remedies  
12 available at law or in equity, and is not a prerequisite for an  
13 insurer or agent to seek other remedies available at law or in  
14 equity."

15 Page 6, delete lines 31 through 42.

16 Page 7, delete lines 1 through 17.

17 Page 7, line 18, delete "(i)" and insert "(g)".

18 Page 7, between lines 29 and 30, begin a new paragraph and insert:

19 "SECTION 10. IC 27-10-4-7 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Notwithstanding any other  
22 law, not later than thirty (30) days after the termination of a surety  
23 bail agent's appointment, the surety bail agent shall pay to the  
24 former insurer or agent of the insurer to whom the surety bail  
25 agent reported on behalf of the former insurer any premium owed.

26 (b) The commissioner may enforce this section in accordance  
27 with IC 27-10-3-9."

28 Renumber all SECTIONS consecutively.

(Reference is to EHB 1736 as printed April 1, 2005.)

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Senator CLARK